Supreme Court, U.S.
FILED

(2)

04-1079 FEB 8 2005

OFFICE OF THE CLERK

No._____

THE SUPREME COURT OF THE UNITED STATES

In re Gary R. Wall
Petitioner

ON PETITION FOR AN EXTRA ORDINARY WRIT TO THE UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT

PETITION FOR AN EXTRA ORDINARY WRIT MANDAMUS

APPENDIX

SUBMITTED BY:
GARY R. WALL,
PETITIONER
60 CARRIAGE HILL DRIVE
WETHERSFIELD, CT. 06109
860-529-2651

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Rule 14(i)(i)

(i) Opinion in District Court Re: Denial 28 U.S.C. 455(a) Application for Disqualification

The opinion of the district Court concerning the 28 U.S.C. 455 application for disqualification was by Ruling of Judge Hall the minutes of oral argument, September 4, 2003 commencing at 2:05 PM ending at 4:23 PM (relevant excerpts)

The Court: "The Court is going to deny docket 217 the application for disqualification"

Mr. Wali: "Your Honor, are you going to write an opinion so I can appeal it"

The Court: "You can appeal it based upon my opinion that I've just said on the record"

The Court: "I don't intend to do a written opinion. I'm going to rest on what I've put on the record and I think I've put out all my view on the motion I could".

Rule 14(i)(ii)

(ii) UNITED STATES COURT OF APPEALS

FOR THE

SECOND CIRCUIT

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At a stated Term of the United States Court of Appeals for the Second Circuit, held at the Thurgood Marshall United States Courthouse, Foley Square in the City of New York, on the 14th day of January two thousand and four,

Present:

Hon. James L. Oakes

Hon. Jose A. Cabranes

Circuit Judges,

Hon. Michael B. Mukasey

Chief District Judge*."

In re: Gary R. Wall

Petitioner

03-3117

Petitioner Wall, pro se, petitions for a writ of mandamus. Upon due consideration, it is ORDERED that the mandamus petition is denied because petitioner fails to demonstrate a "clear abuse of discretion" that would warrant mandamus relief. *See Mallard v. United States Dist. Ct. 490 U.S. 296, 308(1989)*

FOR THE COURT

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Roseanne B. MacKechnie, Clerk

By: Lucille Carr

"Hon. Michael B. Mukasey, Chief Judge of the U. S. District Court for the Southern District of New York, sitting by designation."

Rule 14(i)(iii)

UNITED STATES COURT OF APPEALS

FOR THE SECOND CIRCUIT

THURGOOD MARSHALL UNITED STATES COURTHOUSE

40 Foley Square

New York, NY 10007

Roseann B. MacKechnie

CLERK

At a stated term of the United States Court of Appeals for the Second Circuit, held in the United States Courthouse, Foley Square, in the City of New York, on the 13 day of May two thousand four.

In re: GARY R. WALL 03-3117

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A petition for panel rehearing and a petition for rehearing en banc having been filed herein by the appellant Gary R. Wall.

Upon consideration by the panel that decided the appeal, it is Ordered that said petition for rehearing is DENIED. It is further noted that the petition for rehearing en banc has been transmitted to the judges for the court in regular active service and to any other judge that heard the appeal and that no such judge has requested that a vote be taken thereon.

For the Court
Roseann B. MacKechnie, Clerk

By: Arthur M. Heller
Motions Staff Attorney

Rule 14(i)(iv) N/A

Rule 14(i)(v) N/A

Rule 14(i)(vi) "essential to understand"

Rule 14(i)(vi) Copy of District Court Docket #217

"Plaintiffs Application for Disqualification of District Judge Janet C. Hall Pursuant to 28 U.S.C. 455(a)"

APP. P.7

UNITED STATES DISTRICT COURT

DISTRICT OF CONNECTICUT

GARY R. WALL,
WILLIAM COOKSEY SR.

CASE NO:
3:97CV00942(JCH)

Plaintiffs

v.

CONSTRUCTION & GENERAL
LABORERS' LOCAL 230 DOMINICK
LOPREATO, JOHN PEZZENTI, AND
CHARLES LECONCHE

DATED: APRIL 30, 2003

Defendants

PLAINTIFFS APPLICATION FOR DISQUALIFICATION OF DISTRICT JUDGE JANET C. HALL PURSUANT TO 28 USCA 455(a)

SUBMITTED BY:

GARY R. WALL, Rule 11 Pro Se
60 Carriage Hill Drive
Wethersfield, CT. 06109

WILLIAM COOKSEY SR, Pro Se
1097 Maple Avenue
Hartford, CT. 06114

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APPLICATION FOR DISQUALIFICATION

28 U.S.C. 455(a) "Any Justice, Judge or Magistrate of the United States shall disqualify himself in any proceeding in which his impartiality might reasonably be questioned".

The plaintiffs hereby file this application for disqualification pursuant to 28 U.S.C. 455(a).

The plaintiffs aver that district Judge Janet C. Hall, the Judge before whom this action is pending has committed willful misconducts of office by committing transgressions of Extra Judicial Acts including Inter Alia removing and post dating a Civil Rights Complaint (causing said complaint to be identified as an untimely filing); by intentionally mis-identifying motions as different Rule filings (doing so in order to portray the error as a filing error committed by a pro se litigate in order to avoid answering the subject matter of the motion); by not docketing filed

motions and by mis-identifying filed motions as moot also to avoid answering the subject matter in the motions.

In so doing, obstructing Justice; violating Canons of Judicial Ethics; and committing "High Crimes" in the meaning of Article II Section 4 of the United States Constitution damaging the plaintiffs legal, Statutory and Civil Rights committing severe bias, prejudice and a breach of trust.

See: United States v. Microsoft Corp. 253 F. 3d 34 (A Judge's violations of the Canons of Judicial Ethics may be basis for disqualifications).

The facts, documents and showing that serious Extra Judicial Transgressions exists are detailed in the attached 28 U.S.C. 455 Affidavit. Based upon the evidence shown in the 455 affidavit the plaintiffs move that District Judge Janet C. Hall proceed no further and disqualify herself pursuant to 28 U.S.C. 455(a) and that another Judge be assigned to this case and the same Judge also being assigned to this case be assigned to the pending 28 U.S.C. 1292(a)(1) Interlocutory Injunction, see again U. S. v. Microsoft Supra "(remanding for reconsideration of remedies in antitrust actions, but assigning case on remand to different Judge).

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See 12 Moore's Federal Practice 63.21 (Matthew Bender 3d Ed.)" quoted Moore's Federal Rules Pamphlet 2003 at 196.

The plaintiffs also respectfully request that the new Judge's status be, that said Judge never was affiliated with the Department of Justice or the Democratic National Committee or be from the Bridgeport District. The plaintiffs also request the original Judge in this case be re-assigned that being the (Honorable Janet Arterton "Order of Transfer" from Judge Arterton, to Judge Hall 10/23/97 Dkt. #23) [signed Alan H. Nevas United States District Judge]

The Court in making this decision should consider the cruel hardship that has already been committed on the plaintiffs.

Submitted By:

_____

GARY R. WALL, Rule 11 Pro Se
60 Carriage Hill Drive
Wethersfield, CT. 06109
860-529-2651

WILLIAM COOKSEY SR., Pro Se
1097 Maple Avenue
Hartford, CT. 06114

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CERTIFICATION

This is to certify that a copy of Plaintiffs Application for Disqualification and Attached (455)Affidavit with its Exhibits A, B, C and D has been sent first class postage pre-paid this 30th day of April to:

John T. Fussell, Esq.
333 East River Drive
Suite 101
East Hartford, CT. 06108-4203

National Labor Relations Board
Office of General Counsel
1099 14th Street N.W.
Washington D.C. 20570
Arthur Rosenfield, Gen'l Counsel
NEXT DAY AIR

Patrick Tomasiewicz, Esq.
836 Farmington Avenue
Suite 109
West Hartford, CT. 06119

Terrence G. Reed, Esq.
120 N. St. Asaph Street
Alexandria, VA. 22314

Jonathan B. Kreisburg, Esq.
Regional Attorney for N.L.R.B. Region 34
One Commercial Plaza
280 Trumbull Street 21st Floor
Hartford, CT. 06103

Lauren M. Nash, Esq.
A.U.S.A.
157 Church Street
New Haven, CT. 06510

William F. Gallagher, Esq.
Gallagher & Calistro
1377 Boulevard
New Haven, CT. 06509-1925

Mr. Robert Elliotte Deputy Clerk
UNITED STATES DISTRICT COURT
DISTRICT OF COLUMBIA
333 Constitution Avenue N. W.

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Washington, D.C. 20001
NEXT DAY AIR

SUBMITTED BY:

GARY R. WALL, Rule 11 Pro Se

Rule 14(i)(vi) Copy of District Court Docket #218

"Affidavit of Gary R. Wall Rule 11 PRO SE AND

SUPPORTING DOCUMENTATION OF MOTION TO

DISQUALIFY DISTRICT JUDGE JANET C. HALL

PURSUANT TO 28 U.S.C. 455"

UNITED STATES DISTRICT COURT

DISTRICT OF CONNECTICUT

GARY R. WALL,
WILLIAM COOKSEY SR .CASE NO:
3:97-CV-00942(JCH)

Plaintiffs

v.

CONSTRUCTION & GENERAL
LABORERS' LOCAL 230, DOMINICK
LOPREATO, JOHN PEZZENTI AND
CHARLES LECONCHE DATED: APRIL 30, 2003

AFFIDAVIT OF GARY R. WALL RULE 11 PRO SE AND

SUPPORTING DOCUMENTATION IN SUPPORT OF

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MOTION TO DISQUALIFY DISTRICT JUDGE JANET C. HALL PURSUANT TO 28 U.S.C. 455

I, Gary R. Wall, being duly sworn say:

1. I am the Rule 11 plaintiff in the above numbered and entitled case.

2. I am informed and believe, and based on such information and belief, allege that District Judge Janet C. Hall before whom this case is pending has obstructed justice; violated Canons of Judicial Ethics; committed "High Crimes" in the meaning of Article II Section 4 of the United States Constitution damaging the plaintiffs Legal, Statutory and Civil Rights committing severe bias, prejudice and breach of trust.

3. The facts, documents and the reasons for the belief that such misconduct, bias and prejudice exists follow.

4. The Pattern of Judicial misconduct by district Judge Janet C. Hall started in companion case Wall et al v. Cheverie et al 3:97-CV-2502(JCH) (Claim I 1964 (c) RICO) and Wall et al v. Robert Luskin et al 3:97-CV-

0205(JCH) (Claim II violation of Constitutional Rights to due process clause 5th Amendment) and continues into this case 3:97-CV-00942(JCH).

5. To start with the most serious and flagrant extra Judicial Act of Obstruction of Justice occurred on August 11, 2000 – It involved the unlawful extraction by post dating a Court authorized "Amended Complaint Form Claim 11 Civil Rights" that involved the "Operational Agreement"; Department of Justice; Robert D. Luskin In House Prosecutor/G.E.B. Attorney and signatory to the "Operational Agreement" 1st V.P. LIUNA Vere O. Haynes. Explanation: 3:97-CV-02502(JCH) had two Claims' a 1964(c) RICO action – Judgment entered for defendants Cheverie, LeConche, Lopreato, Pezzenti, LIUNA, Local 230, Haynes, Luskin, Bearse and Freeman on July 14, 2000 [Dkt. #162]. Plaintiffs Wall, Cooksey and Manos filed a Notice of Appeal July 31, 2000 [Dkt. #165] said notice was for the 1964(c) RICO action "only". For clarity now affiant

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Wall will quote District Judge Janet C. Hall in her "Ruling on Pending Motions" dated July 11, 2000 [Dkt. #161] at page 34:

"For the foregoing reasons, the plaintiffs' claim against defendant Luskin for violation of the due process clause is dismissed. However, unlike the RICO claims, this Ruling is the first time the Court has addressed the plaintiffs due process claim against Luskin."

Footnote Number 21 is after the name Luskin it is quoted in italics:

"21 the Amended Complaint [Dkt. No. 59] made mention of the claim, but it was not addressed in the July 1999 Ruling and was not subject to the Court's warning in that Ruling that the plaintiffs would only have one last opportunity to amend their claims". Therefore, the Court grants the plaintiffs one final opportunity to replead as to their due process claim only, and only if they can allege sufficient facts that, if

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proved, would show that (1) defendant Luskin is acting at the direction of the government, or pursuant to some rule of conduct imposed by the government, and (2) that defendant Luskin's actions resulted in the deprivation of the plaintiffs' liberty or property interests without due process of law. Should the plaintiffs choose to file an amended complaint in accordance with this order, the Court reminds them that they need not cite cases in their complaint, but, pursuant to Federal Rules of Civil Procedure 8(a), must include only a "short and plain statement of the claim" Fed. R.Civ. P8(a)"

Now quoting District Court conclusion at page 39 in Ruling in its relevant part:

"Defendant Cheverie, et al's Motion to Dismiss [Dkt. No. 105] is GRANTED with prejudice, and defendant Luskin's Motion to Dismiss [Dkt. No. 109] is GRANTED with prejudice except that it is without prejudice as to the due process claim only. The plaintiff is given leave to replead as to the due process

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claim against Luskin only, in accordance with this Ruling, within 30 days of the date of this Ruling".

The date of the Ruling is July 11, 2000 [entry date July 12, 2000] the date of the:

"AMENDED COMPLAINT FORM"

"CLAIM II CIVIL RIGHTS"

"ACTION IN EQUITY PURSUANT TO RULE 18(a) F.R.C.P."

"DEFENDANT LUSKIN PURSUANT TO LEAVE OF COURT"

"DEFENDANT HAYNES, LIUNA, LOCAL 230 PURSUANT TO RULE 15(c) F.R.C.P."

is August 11, 2000 see Fed. Rule Civ. P. 6(a):

"6(a) Computation In computing any period of time prescribed or allowed by these rules, by the local rules of any district Court, **by order of Court**, or by any applicable statute, the day of the act, event or default from which the designated period of time begins to run shall not be included"

See now [Exhibit A] see the time stamp and date of filing 12:46PM August 11, 00 30th day from Ruling. Regardless of that fact, see now, also in [Exhibit A] docket sheet 3:97CV2502 page 24 see fraudulent filing date for Amend Complaint Form 8/22/00 and intentionally post dated entry date 8/22/00 adding to the harm – quote the 2d Cir. In Wall v. Cheverie Appellate Case No: 00-9004 at page 5 in its relevant part:

"We find that the District Court properly denied the plaintiffs' Motion to Amend, because the motion was ultimately filed on August 22, 2000 more than thirty days after the Court's July 11 dismissal".

In addition keeping within this one very serious scheme (that violates the basic fundamental principles of the United States i.e. extraction of a Civil Rights Act Complaint) see [Exhibit B] copy of "Plaintiffs Memorandum of Law in Support of Plaintiffs Amend Complaint Form Claim II Civil Rights" dated and

stamped filed Aug. 11 2000. Also in [Exhibit B] is a copy of same Memorandum of Law identified now by the Court as a motion filed late in Claim I (RICO) of 3:97-CV-02502(JCH) quote the Court in the margin

"Motion denied without prejudice for lack of jurisdiction. This case is on appeal at the Second Circuit Court of Appeals Janet C. Hall U.S.D.J. date 10/5/00."

It is also not coincidental that the Court avoided addressing the fraudulent filing date and the intentional post dating of the entry date when it was raised in the undocketed but stamped filed motion 3:97-CV-00942(JCH) dated March 4, 10:38 2003 at page 1 and 2:

"This Rule 11 plaintiff alleges that someone also tampered with this motion not as serious, flagrant or as devious as the last (documented) manipulation of a motion involving the clerk's office (Amended Civil Rights Complaint form 3:97-CV-2502(JCH) stamped dated August 11, 2002)"

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That filing was 3 days before the tele status conference of March 7, 2003 Your Honor made no mention of that serious averment against Your Honor but did give a weak explanation of why the (mailed) February 24, 2003 motion "Copy of Plaintiffs District of Columbia Filing"— was not docketed. And then when said motion was hand delivered with the certification signed in blue ink on March 4, 2003 at 10:38 in "Plaintiffs' Re-Filing of Motion dated February 24, 2003"— the Court again does not docket the motions. The motions are docketed now in [Dkt. #211] Titled: "Plaintiffs Second Re-Filing"—filed April 21, at 11:01 2003. All of the undocketed motions have the same similar subject matter Inter Alia – that being the "Operational Agreement"; a RICO enterprise; the criminal use of Federal Police Powers; Criminal Parallel Legal System; Robert D. Luskin "In House Prosecutor"; Vere O. Haynes 1st V.P. Signatory Operational Agreement; the citing of Bivens v. Six Unknown Federal Agents 403 U. S. 388 and the citing

of Marbury v. Madison 1 Cranch 137, 163 and the citing of 1st Amendment and 5th Amendment violations in a long standing pattern of obstruction of the Court System and the plaintiffs Rights.

6. Also in order to show a pattern of intentional extra Judicial mischaracterization of the facts and the intentional extra Judicial statutory misconstruction of the pleadings. And for the purpose of showing the Court that the plaintiffs cannot go back to the 2d Circuit again from District Judge's Janet C. Hall's Court as we will be doing subject to the interlocutory notice of appeal filed 4/17/03 Dkt. #209 without protecting our rights from the harm and damage caused by the intentionally misconstruction of the pleadings by this Court so that the intentional harm and damage to our Rights is not repeated as it was in 3:97-CV-02502(JCH) Appellate No. 00-9004. Therefore, sworn affiant Wall quotes the Second Circuit on page 4 of their decision (September 6, 2001) in order to show the intentional bias and

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intentional prejudice in the form of extra Judicial misconduct which is the reason for the "breach of trust".

Quote 2d Circuit:

"Further, the District Court was correct in denying the plaintiffs' motion to set aside the judgment. To the extent that the plaintiff's motion was brought pursuant to Rule 59(a), reliance on this section was improper, as the section permits a motion for a new trial and, here, there was no trial. To the extent that the plaintiffs sought to alter or amend the judgment pursuant to Rule 59(b), the motion, if applicable, was untimely because it was filed more than ten days after the entry of judgment. Finally, to the extent that the plaintiffs sought to set aside the judgment pursuant to Rule 60, there is no merit to their motion."

Your Honor knows better than anyone except me (and the documented record), that I sworn Affiant Wall, never filed a Rule 59(a) motion for a new trial – that intentional extra judicial misconstruction of the

pleadings was intentional for the purpose of portraying a pro se litigate (Rule 11 pro se Wall) as a reckless and negligent, no nothing litigant, in order for the Court to create intentional false conceptions of the facts so there is no application to the law. And in so doing, damaging the credibility of the fact pattern pleaded by pro se litigants.

The same is true for the statement regarding the Rule 59(b) motion. Quote Second Circuit:

"To the extent that the plaintiffs sought to alter or amend the judgment pursuant to Rule 59(b)".

Your Honor also knows the plaintiffs did not file a Rule 59(b) motion (a time computation filing rule for a new trial.) That document also <u>does not exist!</u>

Regarding the Rule 60 motion in the afore-cited Second Circuit Quote:

"Finally, to the extent that the plaintiffs sought to set aside the judgment pursuant to Rule 60, there is no merit to their motion"

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See Now [Exhibit C].

[Exhibit C] is the face of "Plaintiffs Motion for Reconsideration of Courts' Ruling [Entry date July 14, 2000]" said motion Dkt. No. 163 [filed and entry date July 24, 2000] clearly a timely (within 10 days from judgment) Rule 59(e) Motion. The Court denies the motion on 9/20/00 and in so doing implies in the Court's denial in the left hand margin of the motion, that said motion is an insignificant F.R.C.P. 60(a) motion

"Rule 60(a) clerical mistakes. Clerical mistakes in judgments, orders or other parts of the record and errors therein arising from oversight or omission maybe corrected by the Court at any time of its own initiative or on the motion of any party and after such notice if any, as the Court orders,"----

See now left hand margin of said motion [Exhibit B] quote the Court:

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"Motion is denied. The Court notes that plaintiff correctly points out two typo errors at page 3 of the Court's Ruling (Dkt. #161). The referred to pleading is Dkt. #155 (not 55) and the Rule is 15 (not 14) So Ordered Janet C. Hall"

The Court by denying the substantive Rule 59 (e) motion in this manner styles the motion as an insignificant Rule 60(a) motion. In addition to the plaintiffs questioning whether those "typo errors" were errors or intentional (in order to portray the pro se's as incapable litigants again) answering this motion in that deceptive stylistic manner also allowed the Court not to address all of the serious averments in the motions (32 page) Memorandum of Law [Dkt. #164] also [filed and entry date July 24, 2000].

For example a list of <u>some</u> of the Headings in the Memorandum of Law avoided.

[At page 3 Memorandum]:

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"The Courts Primary Abuse of Discretion at Page #6 Footnote #2 Which Caused Multiple Errors of Law in Ruling on the First Amended Complaint and This Instant Ruling"

[At Page 3, 4, and 5 Memorandum]:

"Plaintiffs Case Law in Support of Their Position That The Enterprise Element Is To Be Shown First Before Pattern"

[At Page 5 Memorandum]:

"Application of the Principles of Enterprise Racketeering Injurys' To This RICO Action"

[At Page 6 Memorandum]:

"Application of the Nature of the Enterprise to this Instant RICO Action"

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[At Page 7 Memorandum]:

Defendant Lopreato's Criminal Convictions RE: U.S. v. Lopreato Case NO. 95-1485, 83 F.3d 571

Two Counts 18 U.S.C. 1954 [RICO predicate] "related to unlawful welfare fund payments"

One Count 18 U.S.C. 371 Conspiracy against the United States.

Two Counts 18 U.S.C. 1621(1) Perjury.

Three Counts 26 U.S.C. 7206(1) Violations Internal Revenue Code

[At Page 28 Memorandum]:

"EMBEZZLEMENT OF UNION FUNDS"

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By Robert D. Luskin and Dominick Lopreato 29 U.S.C. 501(c)

The Court also refused to address the defendants 29 U.S.C. 501(c) embezzlement (per signed agreement with the D.O.J.) in oral argument March 28, 2003 3:97-CV-00942(JCH).

[At Page 31 Memorandum]

The plaintiffs' raise the fact that neither the defendants nor the Court address:

"The Operational Agreement Scheme in the Meaning of 18 U.S.C. 1962(d)(c)(b) Violating 18 U.S.C. 1961(1)(5)"

Also at [Page 31 Memorandum] neither the Court nor the defendants address:

"The Operational Agreement as a Concept, Pursuant to Scienter Rule 9(b)."

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The Court continued to not answer these and the other substantive averments pleaded in the Rule 59(e) Motion including the multiple mail and wire fraud claims; the multiple Hobbs Act violation and other predicate act violations by intentionally implying that the timely Rule 59(e) Motion (Motion to Alter or Amend Judgment) was an insignificant Rule 60(a) Motion.

Also what has to be addressed here is the Court's avoidance of not answering the showing at page 14 and 15 (of Rule 59(e) Motion) of a malicious petty trick by the Court regarding Defendant Bearse. Re-explained to show intentional bias and obstruction by Your Honor see page 10 of the Court's Ruling dated July 11, 2000 regarding defendant Bearse (General Counsel LIUNA Coia, Sr. appointed).

The Court at page 10:

"The plaintiffs state that "Mr. Bearse is being charged with multiple counts of mail fraud .... The exact dates of all the frauds we are not able to give yet because of

the fraudulent concealment of the protective order issued by the N.L.R.B."— "Second Amended Complaint At 6".

The Court goes on to state in its relevant part: "Given the plaintiffs admission that they cannot presently meet the pleading requirements of Rule 9(b) with respect to any statements made by defendant Bearse to the N.L.R.B., the Court cannot find that any such statements could be considered "predicate acts" for RICO purposes."

Now see "Second Amended Complaint At 6" Re: Bearse quoted correctly:

"Mr. Bearse is being charged with multiple counts of mail fraud. **The extortion of plaintiff Wall and plaintiff Cooksey's membership rights.** The exact dates of all the frauds we are not able to give yet because of the fraudulent concealment of the

protective order issued by the N.L.R.B. **where Mr. Cooksey and I were winning plaintiffs. We do have enough dates for the RICO threshold".**

Left out of the quote by Your Honor are 3 relevant clauses (bold for easy identification).

"The extortion of plaintiff Wall and plaintiffs Cooksey's membership Rights"

"Where Mr. Cooksey and I were winning plaintiffs"

And Most Importantly, **"We do have enough dates for the RICO threshold"**

The fact that Your Honor takes out "we do have enough dates for the RICO threshold" and then Your Honor makes the statement –"Given the plaintiffs admission that they cannot presently meet the pleading

requirement— for RICO purposes", the fact that Your Honor commits such a petty act compared to the other averments in this affidavits shows the extent Your Honor will go to in order to undermine the plaintiffs pleadings. The plaintiffs are not trying to replead the RICO. The plaintiffs intentions here are to show the Court the long standing pattern of bias, prejudice and obstruction that is the cause of the "breach of trust" that has carried over into this instant case 3:97-00942(JCH), and to show that we cannot go back to the 2d Cir. under these harmful third world litigation conditions.

7. In ending see Dkt. #211 3:97-CV-00942(JCH) the plaintiffs had to file an undocketed motion twice. That filing being:

"Copy of Plaintiffs' District of Columbia Filing Dated February 24, 2003:

"Plaintiffs' Update (Injunction Status District of Connecticut) and Request for Ruling on Two Pending Motions (Dkt. #1 and Dkt. #6 District of Columbia)"

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The intention of said motion was to try and equally coordinate discovery in both districts and to do so without burdening both districts and without burdening the powerful entities discovery was requested from. The subject matter of said (copy motion) to the District of Connecticut was two fold. One: It was a request to the District of Columbia Court to Grant Discovery and a showing to the District of Columbia of what the plaintiffs would do with the discovery if granted because of our pro se status, that being the filing in the District of Connecticut of a Rule 50(a)(2 Motion "Judgment as a Matter of law" the Court by notice dated 2/26/03 – two days after the plaintiffs notified both districts of our intention to file a Rule 50(a)(2) Motion. The Court immediately scheduled a tele status conference for March 7, 2003 and directed the defendants to file dispositive motions and would not address the (pending since September 9, 2002) Rule 65 Injunction. At oral argument (March

28, 2003) on a motion for an evidentiary hearing pursuant to F.R.C.P. 65(a)(2), the Court openly coached the defendant's attorneys and refused inter alia substantive Injunction argument (as examples); on the fraudulent after the fact subpoenas and on the criminal issue of the defendants using embezzled membership money to defend themselves in this case. The next intentional misconstruction of the pleadings is Dkt. #197 and Dkt. #198, made moot by the Court [face of motions Exhibit D] so the Court could avoid following the instructions of Fed. R. Civ. P. 52(a) in its relevant part:

"And in granting or refusing interlocutory injunction the Court shall similary set forth the findings of fact and conclusions of law which constitute the grounds of its action."

The "findings of fact" in Docket #197 include inter alia Injunctive Relief from the "Criminal Use of Federal Police Powers" by a "Self Policing RICO

Enterprise" in the meaning of Mens Rea. Injunctive Relief from the defendants using embezzled membership money. Quote the plaintiffs at page 10 and 11 of Dkt. #197:

"If this Court allows dispositive motions and affidavits to come before the injunction – this Court will also be allowing the defendant and their attorneys to violate their own agreement with the United States (which they do so repeatedly undeterred) and in so doing allowing the continuing criminal (embezzlement by extraction 29 U.S.C. 501(c) of union membership funds to finance their defense in this case"

Both Dkt. #197 and #198 were made moot by the Court not in the form of Judicial discretion but as an extra judicial act of misconduct in order to avoid answering the complaints in both motions to the Court about the Court's conduct and abuse of discretion. Both Dkt. #197 and Dkt. #198 pleaded 1st Amendment and 5th Amendment violations and cited Red Flag

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Supreme Court cases in doing so Bivens v. Six Unknown Fed. Agents 403 U. S. 388 and the citing of Boyd v. United States 116 U. S. 616, 633 (Instruction from the Supreme Court that the Fourth and Fifth Amendment are in pari material and are to be read and constructed together) and Marbury v. Madison 1 Cranch 137, 163 quote the plaintiffs at 8 moot Dkt. #198:

"There has never been a case more needing of the protection of Marbury Supra as this case because the Executive Branch of the government has never had regulatory and adjudication control over federal statutes and civil liberties as the Executive Branch does through the "Operational Agreement". The plaintiffs' should not have to file a separate Civil Rights Act Complaint regarding severe violations of our Fifth Amendment Rights to Due Process; violated multiple documented times through the purview of a criminal parallel legal system".

The Courts designation of Dkt. #197 and Dkt. #198 is an extra judicial act of bias and prejudice see footnote No. 5 at 2 (prejudicially moot) Dkt. #197:

"5 – The plaintiffs' are very concerned that this reasoning and direction by the Court is meant to deter an Open Court hearing that would expose some officials of the Department of Justice involvement in a parallel criminal legal system "Operational Agreement" that violated our LMRDA Rights, Freedom of Speech (First Amendment), Due Process Rights (Fifth Amendment) inter alia".

8. For the aforementioned reasons affiant Wall respectfully requests Your Honor to disqualify herself pursuant to 28 U.S.C. 455(a). We cannot have our Rights damaged and harmed like this anymore and we cannot go to the Second Circuit in the 28 U. S.C. 1292(a)(1) appeal trusting this Court anymore. This Court has breached the plaintiffs' trust in an unrepairable manner, because of the multiple acts of

extra judicial misconduct by the Court. This is a bad situation that this (455) affiant tried to avoid. At oral argument on March 28, 2003 plaintiff Wall tried to warn the Court of this situation, and the Court responded (I have to para phase because I can not get the minutes) **"DON'T TELL ME, JUST DO IT"!** I don't enjoy this at all but the plaintiffs must protect are basic Fundamental, Statutory and Constitutional Rights. The proper thing for the Court to do now is self-disqualification pursuant to 28 U.S.C. 455(a).

9. I Gary R. Wall the 28 U.S.C. 455(a) affiant declare under penalty of perjury that the foregoing facts are true and correct.

GARY R. WALL

60 Carriage Hill Drive

Wethersfield, CT. 06109

860-529-2651

State of Connecticut

County of_____

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Subscribed and sworn to before me this 30th day of April 2003.

Notary Public

EXHIBIT A

FACE OF TIME AND DATE STAMPED AUGUST 11, 2000

CIVIL RIGHTS ACT COMPLAINT

AND

DOCKET SHEET PAGES 24 AND 25

3:97-CV-2502(JCH)

EXHIBIT B

FACE OF "PLAINTIFFS MEMORANDUM OF LAW

IN SUPPORT OF PLAINTIFFS AMEND COMPLIANT FORM

CLAIM II CIVIL RIGHTS"

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AND

FACE OF "PLAINTIFFS MEMORANDUM OF LAW

MISIDENTIFIED AS MOTION

EXHIBIT C

FACE OF "PLAINTIFFS MOTION FOR

RECONSIDERATION OF COURT'S RULING [ENTRY DATE

JULY 14, 2000]"

EXHIBIT D

FACE OF DOCKET #197 AND #198

SHOWING DENIED AS MOOT IN MARGIN

Rule 14(i)(vi) "essential to understand"

The need for Rule 20.1's justification requirement "that

exceptional circumstances warrant the exercise of the Court's

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discretionary powers, and that adequate relief cannot be obtained in any other form or from any other Court."

Rule 14(i)(vii) /20.1 Copy of LETTER dated December 15, 2004 to CHAMBERS Honorable Robert N. Chatigny CHIEF JUDGE DISTRICT OF CONNECTICUT UNITED STATES COURTHOUSE 450 MAIN STREET, HARTFORD, CT 06103-9998 FROM GARY R. WALL RULE 11/5TH AMEND. PETITIONER 60 CARRIAGE HILL DR., WETHERSFIELD CT. 06109:

December 15, 2004

CHAMBERS

Honorable Robert N. Chatigny

CHIEF JUDGE

DISTRICT OF CONNECTICUT

UNITED STATES COURTHOUSE

450 Main Street

Hartford, CT. 06103-9998

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RE: CONTINUATION OF JUDICIAL CORRUPTION BRIDGEPORT DIVISION CANON 2A'S "IRRESPONSIBLE' AND IMPROPER CONDUCT"

Dear Chief Judge:

This letter is being written to Your Honor in Your Honors capacity as Chief Judge District of Connecticut. This letter concerns the nonstop continuation of judicial corruption in the Bridgeport Division.

As Your Honor knows, there have been previous letters to Your Honor complaining about Judge Hall's documented Extra Judicial Acts of Misconduct committed in the Bridgeport Division in Wall, Cooksey v. Local 230 3:97-CV-00942(JCH); Also in 3:97-CV-02502(JCH) – Judicial fraud dismissed RICO.

As of this writing there is a pending filed but not docketed yet Sup. CT. R. 20 Mandamus, which will demonstrate by documented fact and occurrences, indisputable evidence of Judge Hall's flagrant Extra Judicial Acts of Obstruction and usurpation of our Due Process and Statutory Rights. Said Mandamus, the last

step in (Federal Rules) progression of a 28 U.S.C. 455(a) Complaint, F.R.A.P. 28 U.S.C. 1292(a)(1), will also include the Judicial protection of Judge Hall's Extra Judicial Acts of flagrant misconduct by other strategically placed Federal Judges, also demonstrated by documented fact (including the Second Cir. and the Judicial Council). That serious statement is made pursuant to F.R.C.P. 11(b)(3) inquiries for a Civil Rights Act Complaint against the Bridgeport Division if 3:97-CV-00942(JCH) and 3:04-CV-91(WWE) are not transferred in the interest of criminal Justice. In the interest of criminal Justice in this matter being documented Judicial Obstruction of Justice in the Bridgeport Division.

CONTINUATION OF OBSTRUCTION AND USURPATION OF RIGHTS DISTRICT OF BRIDGEPORT 03:CV-97-00942(JCH)/3:04-CV0091(WWE)(EBB)(WWE)

As Your Honor knows, on January 20, 2004, plaintiffs Wall, Cooksey and Manos filed a six (6) page RICO Complaint and (104) one hundred and four page Standing Order (3:04-CV-0091(WWE). Said OCCA RICO Complaint and Standing Order

was filed in the Hartford Division assigned to Bridgeport Division despite the request cited in the Complaint referring to page 104 of Standing Order that being:

> *"For these reasons also the plaintiffs respectfully request that the place of assignment of this case not be in the Bridgeport District where Wrongdoer Judge Hall sits. The plaintiffs would prefer Hartford in order to minimize the money. Another fact that Judge Hall willfully avoids causing great harm to the plaintiffs and the membership."*

Just what the plaintiffs were concerned would happen if the OCCA/RICO Complaint and Standing Order were assigned to the Bridgeport Division happened. As Your Honor must know by reason of Your Honor's position as Chief Judge of the District of Connecticut that, District Judge Janet C. Hall (Bridgeport Division) is a wrongdoer (No. 9) in the 3:04-CV91 OCCA/RICO Complaint and Standing Order (Standing Order at 78, 103, 104 filed January 20, 2004).

Judge Hall is not cited as a wrongdoer for any other reason except for her "Extra Judicial Acts of Misconduct", which are in

this matter flagrant and brazen obstructions by fraud and deceit of the pro se pleadings indisputably demonstrated by fact and documentation. Both the petitioner and the plaintiffs would have preferred not to cite a Federal Judge as a wrongdoer in an Organized Crime Control Act Complaint. The plaintiffs realize it would on its face cause additional harm to the credibility of pro se (citizen) plaintiffs. The primary reason for citing Judge Hall as a wrongdoer in the OCCA/RICO Complaint was and is necessitated by the incontrovertible fact that some of the defendants "associates in fact" of an 18 U.S.C. 1961(4) Organized Crime Controlled Enterprise have direct knowledge by being involved in the pleadings or by being informed by their attorneys that Judge Hall intentionally committed severe acts of Judicial fraud and deceit in order to protect their criminal enterprise.

The extremely obvious and shocking manner in which Judge Hall committed the Extra Judicial Article II Sec. 4 criminal acts are apparent to anyone involved in the pleadings making citing Judge Hall as a wrongdoer an unavoidable and essential averment in the Organized Crime Control Act Complaint.

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It has been demonstrated by indisputable documented fact that Judge Hall has inter alia – intentionally post dated a Civil Rights Act Complaint[1]; has intentionally misidentified substantive motions; has intentionally misconstructed facts in order that they not apply to the protection of Federal Statutes in the meaning of Marbury v. Madison 1 Cranch 137, 163,

> *"The very essence of civil liberty certainly consists in the right of every individual to claim the protection of the laws, whenever he receives an injury"*

---

[1] At oral argument on September 4, 2003 regarding the 28 U.S.C. 455(a) Complaint 3:97-00942(JCH), Judge Hall asked plaintiff Wall to enter a copy of the amended Civil Rights Act Complaint and its Memorandum in Support from case 3:97-CV-2502(JCH) because of the extraction and fraudulent post dating charge being relevant to the 455(a) Complaint the plaintiffs did so on 9/10/2003 DKT. # 243 titled "Plaintiffs Submission Pursuant to Court's Direction to File Supplementary Exhibits August 11, 2000 Civil Rights Act Complaint 3:97-CV2502(JCH) Wall et al Luskin et al and August 11, 2000 Memorandum in Support" to this day Judge Hall has not addressed said filing a continuation of one of many acts of usurpation and obstruction of our Constitutional and Statutory Rights (5th Amend. Due Process).

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Has intentionally changed the plaintiffs' quotes for non-application to statute reasons. Has also willfully protected the defendants' issuances of after the fact fraudulent subpoenas and the use of embezzled membership money despite a signed agreement with the D.O.J. forbidding use of membership money for civil or criminal cases.

In Judge Hall's latest intentional Extra Judicial Act of fraudulent misconstruction of the pleadings (August 31, 2004 Ruling on Second Summary Judgment 3:97-CV-00942(JCH) DKT. #265), Judge Hall commits a bold and clearly obvious fraudulent misconstruction of the pleadings. The plaintiffs addressed Judge Hall's Article II Sec. 4 criminal actions by filing a timely (September 10, 2004) Rule 59(e) Motion (pending as of this writing) DKT. #266 titled:

> "PLAINTIFFS MOTION FOR RECONSIDERATION (R. 59(e) FOR COURTS RULING (DKT. #265) ON DEFENDANTS SECOND SUMMARY JUDGMENT DKT. #221"

The primary Judicial Act and finding for reconsideration stated in the 59(e) Motion is not based on the "abuse of discretion standard".

Judge Hall did not commit an error or abuse her discretion when she eliminated all claims (LMRDA 609, 101, 411, 529) to the protections against "unlawful discipline" by committing openly obvious and flagrant fraudulent misconstruction of the pleadings. This documented pattern of Judicial Fraud and deceit is into the 7th year (six (6) years completed). Judge Hall's acts of Judicial fraud and deceit are known with clarity and certainly to all parties involved because of the cruel, bold obvious and reckless style employed by Judge Hall in her "Extra Judicial Acts of Misconduct".

See for facial showing gravaman of 59(e) Motion page 6 and 7 of said Motion (September 10, 2004 3:97-CV00942(JCH) printed in italics for the Courts convenience):

> *"This Court has exposed its own pattern now that being the intentional misconstruction of the pleading done by removing the key essential word associated with the Federal Statutory violation and in so doing never*

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addressing the circumstances related to the key essential word.

Example: The first time your Court dismissed the Civil RICO Complaint 18 U.S.C. 1964(c) – 3:97-CV2502(JCH), your Court never mentioned even one time the word "enterprise" in your granting the defendant 12(b)(6) motion. The R. 59(e) Motion filed against that Ruling brought that fact to your attention to no avail. "Enterprise" is to RICO what the word Extortion is to the Hobbs Act, what the word female is to the Title IX and in this case at bar what the word "Barred" is to 101(a)(2), 609, 29 U.S.C. 411(a), 29 U.S.C. 529 "unlawful" "otherwise discipline". Even though Circuit Judge Winter refers to the union as "conveying" that plaintiff Wall and Cooksey are "barred persons" Id 172 you intentionally avoid and never mention the word "barred"; also see Circuit Judge Winter citing the "Disciplinary Procedure" at footnote (2) 224 F. 3d 168 Id 172 Supra

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Footnote (2): "The position of GEB attorney was created in January 1995 by the LIUNA Ethics and Disciplinary Procedure, which itself 'was established to assist LIUNA's voluntary internal reforms pursuant to [The February 1995 Agreement] between LIUNA and the United States".

There is no excuse for your Court not to mention the essential statutory word "Barred" or the "Operating Agreement". The only logical reason subject to (7) years of documented fact is the essential word "scheme" an intricate misconstruction of the pleadings comprehensible only with painstaking effort to anyone who is going to review your decision and no one is going to do that because of the assumed integrity of a Federal Judge against the assumed credibility gap of pro se litigates. That act by you is an absolute (unqualified in degree) Breach of our Statutory and Constitutional Rights in the meaning of Marbury v. Madison 1 Cranch 137, 163"

END OF QUOTE

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Also quoted relevant to this letter in excerpts from pages 103 and 104 of Standing Order (printed in italics for Your Honor's convenience:

"See page 78 wrongdoer district Judge Janet C. Hall has committed multiple documented acts of Extra Judicial Misconduct. A grave harm in and of itself magnified by the fact that the defendants attorneys and the defendants know Judge Hall has committed the Extra Judicial Acts of Misconduct because the willful acts of Extra Judicial Misconduct are documented in the pleadings. (Summary examples). The defendants are aware of the fact that Judge Hall extracted and fraudulently post dated (Claim Two) Civil Rights Act Complaint. The defendants are also aware that a motion for a new trial was never filed in 3:97-CV-02502(JCH). The defendants are also emboldened by the fact that Judge Hall is protecting the fraudulent fabrication of subpoenas after the fact (Cooksey Medical and Psychiatric Records) a wanton and willful failure to act.

In addition, Judge Hall has committed multiple documented Extra Judicial Acts of Misconduct and Judicial fraud through multiple intentional misconstruction and interpretation of the pleadings and the defendants and their attorney know it. Judge Hall has caused a widening of the decay of the system because Circuit Judges, thereafter have try to protect her "High Crimes" violations. This is a very harmful and injurious position for Pro se litigates to be in. These Judicial frauds went all the way to the United States Supreme Court 01-1401 – 01-1402.

The plaintiffs in this matter have always respected the Rule of Law and have conducted themselves in a polite manner and we will continue to do so. But we will not respect those who do not respect the Rule of Law no matter who they are. And, we will not stay silent. Justice Ginsburg referred to Extra Judicial Acts of Misconduct in an elegant manner on May 4, 1999 when receiving the Federal Bar Council's Learned Hand Medal for Excellence in Federal Jurisprudence – she relayed the importance of Judge Hand's message:

Justice Ginsburg: "As an advocate in my younger days, and a Judge for nearly 19 years, I know the importance of Hand's

messages victory gained by sweeping the chess pieces off the table is not enduring."

Sweeping the chess pieces off the table multiple times in this complaint is sweeping Federal Subset Criminal Violations off the table 18 U.S.C. 1961(1,4,5); It is not enduring it is disgraceful, extremely harmful, and dangerous to the plaintiffs and the United States."

END OF QUOTE

SUA SPONTE CASE TRANSFERS BRIDGEPORT TO NEW HAVEN BACK TO BRIDGEPORT (OCCA/RICO CASE 3:04-CV91(WWE)

As stated prior in this letter on January 20, 2004, plaintiff Wall, Cooksey and Manos filed the Organized Crime Control Complaint and Standing Order in the Hartford Division. The case was assigned to Judge Eginton Bridgeport Division 3:04-CV-0091(WWE). On June 4, 2004 subject to suspicious obstructionist conduct the plaintiffs filed DKT. #48 in Bridgeport titled:

"RULE 11 PLAINTIFF/PETITIONER'S FILING SUBMISSION FOR CESSATION JUDICIAL

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MISCONDUCT ACTS DISTRICT OF BRIDGEPORT REQUESTING LAW CLERK AND JUDGE DISCLOSURES (CONST. AMEND. 5)"

Rather than answer DKT. #48, six (6) days later DKT. #49 was filed by Judge Eginton Sua Sponte "In the interest of Justice" transferred to the New Haven Division to the Hon. Ellen Bree Burns, 3:04-CV-91(WWE)

On August 31, 2004, Judge Hall filed a Ruling in the LMRDA case on defendants Second Summary Judgment. Said Ruling was another open and obvious fraudulent misconstruction of the pleadings meant to undermine the 609, 101, 411 and 529 unlawful discipline claims against the defendants in the LMRDA 942 case. Said Ruling (August 31, 2004) was also meant to undermine the RICO Case 3:04-CV91(WWE) as Judicial Notice; in which Judge Hall is a cited wrongdoer for committing the same type of fraudulent obstructionist acts.

In order to avoid Judge Hall's Article II Sec. 4 criminal intent to obstruct the OCCA/RICO case, the plaintiffs filed in 3:04-CV91(EBB) (New Haven Division) DKT. #68 on September 20, 2004 titled:

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"PLAINTIFFS MOTION FOR LEAVE TO SUPPLEMENT THE PLEADINGS PURSUANT TO F.R.C.P. 15(b) IN SUPPORT OF DISPUTED JUDICIAL NOTICE FED. RULES EVIDENCE 201(e)" [9/20/04]"

Attached to DKT. #68 (Leave to Supplement) was Exhibit A Rule 59(e) Motion (DKT. #266) in response to DKT. #265 LMRDA 942 August 31, 2004 Ruling. Said Exhibit A demonstrating clearly and indisputably Judge Hall's fraudulent and deceptive actions in her dismissal of the 609, 101, 411 and 529 unlawful discipline claims. Three days after Judge Burns received DKT. #68, Judge Burns transfers back the OCCA/RICO case to Judge Eginton September 23, 2004.

"ORDER OF TRANSFER JUDGE ELLEN BREE BURNS RECUSED CASE REASSIGNED TO JUDGE WARREN W. EGINTON FOR ALL FURTHER PROCEEDINGS SIGNED BY JUDGE ELLEN BREE BURNS 9/23/04 (Pestag) (Entered 9/23/04"

The next intentional obstruction also concerned DKT. #68 and its Exhibit A (Judge Hall's August 31, 2004). This time it is

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committed under the name of Judge Eginton in the Bridgeport Division after the transfer back to Bridgeport from the New Haven Division. See pages 8 and 9 motion filed November 12, 2004 3:97-CV-0091(WWE) Motion titled:

> ***"PLAINTIFFS MEMORANDUM IN SUPPORT OF MOTION TO TRANSFER 28 U.S.C. 1404(a) IN THE INTEREST OF UNBIASED JUSTICE"***

Pages 8 and 9 relevant part printed in italics:

The intentional misconstruction of the facts and applications of the pleadings concerning DKT. #68 committed in the Court's Ruling in DKT. #80, can be for only one obvious reason – to intentionally label DKT. #68 and Exhibit A ***"moot"*** *by the intentional obstructionist act of misapplication of DKT. #68 to DKT. #70. The motive being to obstruct and avoid the directive of Federal Rule of Evidence 201(e) cited at page 4 of DKT. #68 printed in bold and italics for the Court's convenience:*

> ***"Therefore if the Court is considering taking Judicial Notice the plaintiffs respectfully request the 'opportunity to be heard' Rule 201(e)"***

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"Opportunity to be heard – a party is entitled upon timely request to an opportunity to be heard as to the propriety of taking Judicial Notice and the tenor of the matter noticed"—

The Bridgeport Division under Judge Eginton's name (DKT. #80) attempted to obstruct the pleadings ("opportunity to be heard" Fed. R. Ev. 201(e)) by identifying DKT. #68 and its Exhibit A as a motion for reconsideration of DKT. #70 another documented example of obvious reckless and bold obstruction of the pleadings occurring in the Bridgeport Division. The DKT. #80 68-70 scheme to obstruct was committed to obstruct Fed. R. Evidence 201(e)'s "Opportunity to be heard" by fraudulently labeling DKT. #68 a moot motion for reconsideration of DKT. #70. The reason DKT. #80's fraudulent misconstruction is so obvious is the drafter Judge (Bridgeport Division) and his or her law clerks know on appeal that a strategically placed Judge will be put on the pro se panel who will fraudulently brief the other two Judges[2]. The F.R.C.P. 11(b)(3) inquires and the 28 U.S.C. 351

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[2] The most obvious and eggrious fraudulent briefing was committed by Circuit Judge Chester Straub in 00-9004, Appellate Case No. for 3:97-

APP. P. 59

inquiries point to strong evidence that this strategic placement is committed by either Ms. Karen Grove Milton, United States Circuit Executive Judicial Council of the Second Circuit. Circuit Executive Milton's husband Dennis E. Milton is Counsel to the Independent Review Board, which oversees the Teamster International. Logic dictates he has a working relationship either directly or indirectly with lead RICO defendant Luskin. Circuit Executive Milton's responses to the 11(b)(3) and 351 inquiries were evasive and the responses failed to answer questions that would support the integrity of the Second Circuit, raising this petitioners suspicions. The other Federal Judge whose responses to F.R.C.P. 11(b)(3) – 28 U.S.C. 351 inquiries regarding integrity

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CV2502(JCH). In said fraudulent briefing to Judge Winter Chief Judge at the time and Judge Meskill, Circuit Judge Straub intentionally identifies a Rule 59(e) Motion, which demonstrated the existence of a RICO Enterprise as a motion for a new trial and a time computation motion for a new trial filed at a 12(b)(6) Level. Intentionally done so in order to portray pro se litigates as know nothing reckless plaintiffs eliminating all review of the substance of the 59(e) Motion. Judge Straub also in collusion with Judge Hall, intentionally post-dated the amended Civil Rights Act Complaint in order that the substance of the complaint not be reviewed subject to the fraudulent eleven-day post dating as untimely.

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questions is the Chief Judge of the Second Circuit, John M. Walker Jr. Chief Judge Walker was assistant U.S. Attorney, Criminal Division Southern District of New York from 1975 to 1981. Reason dictates Judge Walker was and is a former colleague with the following D.O.J. associates.

Lead RICO defendant Luskin former Special Counsel O. C. Division D.O.J.; W. Douglas Gow top former F.B.I. official now Inspector General "Operating Agreement" (LIUNA/D.O.J.); David Bovinger U.S. Attorney Northern District of Illinois; Peter Viara former U. S. Attorney Philadelphia, Pennsylvania now official "Operating Agreement" I.G.'s Office; Senior Judge District of Bridgeport Allan Nevas former U. S. Attorney District of Connecticut 1981-1985; District Judge Michael B. Mukasey, former A.U.S.A. Criminal Division Southern District of New York 1972-1976 – now U.S. District Judge (S.D.N.Y.) sitting by designation in 03-3117[3] fraudulently briefing the Hon. Oaks and

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[3] The fraudulent briefing by Judge Mukasey on the 03-3117 panel regarding a 28 U.S.C. 455 Complaint was dismissed using the" abuse of discretion standard" citing Mallard v. U. S. 490 U.S. 296,308 an obvious inapplicable authority rather than 455(a)'s "impartiality might reasonably be questioned standard", an

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the Hon. Cabranes in order to protect the Chief of the Organized Crime Division Department of Justice Paul Coffey, Robert Luskin and Arthur A. Coia's conspiracy against the United States from being exposed by pro se litigates. It is this petitioners conclusion based on time, facts, occurrences and 11(b)(3)/351 Inquiries that Judge Hall and Judge Eginton became caught in the application of process in a conspiracy to defraud the lawful functions of the Untied States.

The following "allegations" and "factual contentions" has "evidentiary support" (Rule 11(b)(3)) that being, the constant obstruction of multi cases in the Bridgeport Division 3:97-CV-00942(JCH), 3:97-CV-2502 (18 U.S.C. 1964(c)) Claim II 3:97-CV-2502(Due Process) 3:04-CV0091(WWE) is being committed directly or indirectly by former U. S. Attorney Senior Judge Nevas District of Bridgeport.

All of the Article 11 Sec. 4 high crime obstructions are of the same style no matter which Judges name is on them. All of the

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obvious sign that Judge Mukasey is associated with the D.O.J. Judicial network; And, to use Judge Oaks and Judge Cabranes names in that matter should be investigated.

high crime obstructions have the U. S. Attorney style of breaking the law in order to control the Courtroom and the outcome. I understand how U. S. Attorneys can rationalize their actions in some criminal circumstances, but it must not carry over if the former U. S. Attorney puts a robe on and becomes a Federal Judge. This is what Robert D. Luskin's 18 U.S.C. 371 conspiracy to defraud the lawful functions of the United States created. Former and present government officials protecting an after government career in Federal Law Enforcement Racketeering Scheme. Protecting either their former or present day colleagues, D.O.J. or D.N.C. Protecting the unlawful use of the Organized Crime Control Act 1970 (RICO) by former D.O.J. officials some up front and some Sub Rosa. Protecting a RICO enterprise whose governance structure is the same since the effective date of RICO (Oct. 15, 1970). This is what occurs in Third World Countries when Federal Police become Judges. The actions of the district of Bridgeport make the Patriot Act look mild. They are reckless, arrogant and disgraceful. Your Honor has a responsibility to Your Honors position to get the cases out of Bridgeport for criminal reasons.

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JUDGE HALL'S INTENTIONAL MISCONSTRUCTION OF THE PLEADINGS 3:97-CV-00942(JCH) EFFECTING DISCOVERY DISTRICT OF COLUMBIA (DISCOVERY CASE)

On November 23, 2004, the plaintiffs were granted oral argument in the District of Columbia in Misc. Cal. No. 02-MS-354(DAR) on DKT. #1 (District of Columbia) filed 8/8/02 titled:

> "Motion filed by Plaintiff Gary R. Wall, plaintiff William Cooksey Sr to Compel Movant Robert D. Luskin to Produce Documents; Exhibits (3); Attachments (2)(cp) Entered 8/9/02"

and DKT. #6 filed 11/27/02 titled:

> "Motion filed by plaintiffs Gary R. Wall, William Cooksey Sr. for Leave of Court for Service of Depositions Upon Written Questions for Officers (NLRB) Designated in Notice Pursuant to F.R.C.P. 31(a)(2); Exhibits (3) (rje)(Entered 11/29/2002)"

Prior to the oral argument 11/23/04 district of Columbia both respondent Luskin and respondent NLRB Special Litigation

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Department filed status reports 11/19/04 citing Judge Hall's August 31, 2004 Ruling as Judicial Notice stopping argument on discovery related to unlawful discipline (609, 101, 529, and 411). Respondent Luskin actually entered Judge Hall's August 31, 2004 Ruling as an Exhibit. Plaintiff Wall cited an objection in oral argument to Magistrate Robinson's finding that discovery in the district of Columbia could only involve the membership issue because of the August 31, 2004 district of Connecticut (Judge Hall) Ruling excluding discovery on "unlawful discipline" (101, 609, 411, 529 LMRDA).

In order to protect ourselves from Judge Hall's intentional fraudulent misconstruction of the pleadings the plaintiffs filed a timely (December 2, 2004) objection to Magistrate Robinson's finding (district of Columbia DKT. #32) titled:

"PLAINTIFFS L. Cv. R. 72.3(b) OBJECTION TO FINDING AND RECOMMENDATION OF MAGISTRATE ROBINSON RE: ORAL ARGUMENT 11/23/04 REQUESTING DETERMINATION BY THE COURT L Cv R. 72.3(c)" (02-MS-354(DAR))

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In order to show Magistrate Robinson that Judge Hall's Ruling (Aug. 31, 2004) did not meet the standard of Fed. R. Ev. 201(b)(2) "Whose accuracy can not reasonably be questioned" the plaintiffs entered the 59(e) Motion filed in the district of Connecticut against the flagrant and obvious corrupt (Aug. 31, 2004) Ruling (excerpt cited at page 4 of this letter).

As I am finishing this letter 4:02 P.M., Tuesday December 14, 2004, Attorney Fussell from Cheverie Associates, Attorney for the defendant 3:97-CV-00942(JCH) just called me. He stated that Judge Hall denied the 59(e) Motion (Notice of Appeal will be filed immediately). He said it was denied on the 8th but he was just receiving it by email today. Attorney Fussell said he also received a scheduling order from the email. I received my mail today and there is nothing from the Court.

This petitioner is computer illiterate and cannot type. After six (6) full years service should be timely. This most likely is another scheme by Judge Hall to burden the plaintiffs regarding timeliness.

PLAINTIFFS POSITION POST 59(e) MOTION DENIAL

As of this writing this petitioner has not seen the denial of the 59(e) motion without seeing it, the petitioner can predict that Judge Hall never mentioned the words "Barred", "Barred Conduct", "Ethics and Disciplinary Procedures"; "Operating Agreement" with the Department of Justice. Without seeing the 59(e) Motion denial the petitioner can also predict that Judge Hall does not defend the averments in the 59(e) Motion against her disordered behavior and integrity. Judge Hall and Judge Nevas and the law clerks in collusion with them in this most serious usurpation of Civil Rights will hide their Article II Sec 4 criminal actions and just think of more ways of punishing the plaintiffs (in their DNC/DOJ Judicial Network documented) for exposing their cold and calculated Article II Sec. 4 High Crimes Criminal Acts.

Your Honor is in a very uncomfortable position that being to protect the integrity of the District of Connecticut by referring this letter to the Chief Justice of the United States Panel investigating "Ethics Controversies" (see attached Washington Post Article 5/26/04). Your Honor has a position obligation under Chief Judge to follow the directive of Canon 3(B)(3).

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"A Judge should initiate appropriate action when the Judge becomes aware of reliable evidence indicating the likelihood of unprofessional conduct by a Judge"-

The facts directly demonstrated or by reference to the Organized Crime Control Act Complaint and Standing Order in this letter are way beyond the "Likelihood" and "Unprofessional" Standard of Canon 3(B)(3).

Please remember the plaintiffs in the district of Bridgeport have experienced unprecedented Judicial Criminal Acts for over six full years. The plaintiffs have exhausted the entire legal process available to citizens of the United States overcoming Judicial fraud and deceit, doing so to this Supreme Court Rule 20 Mandamus stage in which the averments against some Federal Judges and some law clerks are the whole truth and nothing but the truth and appropriate at this mandamus level.

Because Judge Hall's openly corrupt Ruling of Aug. 31, 2004 was filed as Judicial Notice in the District of Columbia, a copy of this letter will be sent to the Chief Judge of the District of Columbia. A Supreme Court Rule 20 Mandamus requires that all forms of relief have been exhausted. All forms of relief have been

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exhausted. As a final request of Your Honor, the plaintiffs in the Bridgeport Division of Your Honor's District (Conn.) would greatly appreciate a quick response to this instant letter for reason of the Sup. CT. R. 20 Writ of Mandamus.

At this point in time after six (6) full years plus of flagrant and disgraceful abuse of the plaintiffs Rights in the Bridgeport Division, Your Honor has only two choices. One, In Your Honor's position as Chief Judge comply with the request at page 6 of the Complaint 3:04-CV-91(WWE/EBB/WWE) that being:

> *"For those just cited reasons inter alia, the plaintiffs respectfully request an additional Jury Demand that being access to a Federal Grand Jury to submit this (OCCA) RICO Complaint and give testimony".*

Or the only other alternative is to protect Your Honor colleagues and allow an effective date (Oct. 15, 1970) Organized Crime Control Act RICO Enterprise (identified as such by two Presidents Crime Commissions) to "criminally influence[d]" 18 U.S.C. 1962(c)(d) an entire division in Your Honors District.

Respectfully Submitted By:

APP. P. 69

Gary R. Wall, Rule 11 / 5th Amend. Petitioner

60 Carriage Hill Drive

Wethersfield, CT. 06109

860-529-2651

C: Hon. Chief Judge Hogan, District of Columbia

House Committee on Judiciary

U. S. House of Representative

Hon. Ellen Bree Burns

House Committee on Labor

Rule 14(i)(vi)/20.1 Copy of Letter dated December 16, 2004 to Gary R. Wall 60 Carriage Hill Drive, Wethersfield, CT. 06109 from CHAMBERS of Honorable Chief Judge Dist. of Connecticut Robert N. Chatigny:

UNITED STATES DISTRICT COURT

DISTRICT OF CONNECTICUT

450 MAIN STREET

HARTFORD, CT. 06103-9998

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CHAMBERS OF

ROBERT N. CHATIGNY (860) 240-3659

December 16, 2004

Mr. Gary R. Wall

60 Carriage Hill Drive

Wethersfield, CT 06109

Dear Mr. Wall,

This is in reply to your recent correspondence, in which you request access to a federal grand jury in order to submit a RICO complaint and give testimony.

The power to receive and act on complaints of violations of federal criminal law rests solely with the United States Attorney. The Court itself has no such power. Nor does the Court have the power to give anyone access to a grand jury as you request. Here again, that is a matter entrusted to the United States Attorney.

I hope this information is helpful.

Very truly yours,

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Robert N. Chatigny

Cc: Hon. Janet C. Hall w/ enclosure

Rule 14(i)(vi)/20.1 Copy of letter dated December 27, 2004 to Chambers of Robert N. Chatigny Chief Judge United States District Court 450 Main Street, Hartford, CT. 06103-9998 from Gary R. Wall Rule 11/5th Amend. Petitioner 60 Carriage Hill Drive, Wethersfield, CT. 06109:

December 27, 2004

CHAMBERS OF
ROBERT N. CHATIGNY
CHIEF JUDGE
UNITED STATES DISTRICT COURT
450 Main Street
Hartford, CT. 06103-9998

Dear Chief Judge:

This letter is in response to Your Honors reply letter dated December 16, 2004. Your Honor's quick response was greatly appreciated.

In Your Honors 12/16/04 reply letter, Your Honor represents the December 15, 2004 letter was a filing of a Federal Criminal

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Complaint with Your Honor by reason of the quoted sentence (italics):

"The power to receive and act on complaints of violation of federal criminal law rests solely with the United States Attorney"

The petitioner respectfully clarifies the intention of the December 15, 2004 letter titled:

"RE: CONTINUATION OF JUDICIAL CORRUPTION BRIGEPORT DIVISION CANON 2 A's 'IRRESPONSIBLE' AND 'IMPROPER CONDUCT'"

CLARIFICATION

There were two primary requests in the December 15, 2004 letter, both were request for referrals.

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See Page 11 [Dec. 15] Letter relevant part quoted in italics for the Courts convenience and clarity:

"Your Honor is in a very uncomfortable position that being to protect the integrity of the District of Connecticut by referring this letter to the Chief Justice of the United States Panel investigating "Ethics Controversies" (see attached Washington Post Article 5/26/04). Your Honor has a position obligation under Chief Judge to follow the directive of Canon 3(B)(3).

There are documented serious Constitutional reasons for the petitioner's request for referral to the Chief Justice of the United States Panel. This petitioner respectfully states that it is a responsibility to Your Honors position and oath to the United States to refer the 12/15/04 letter, and now in addition this 12/27/04 letter to the Chief Justice of the United States Panel[4].

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[4] In addition to the documented Article II Sec. 4 "High Crimes" reasons for referral – another noteworthy and important reason for referral is the fact, that Chief Justice of the United States Hon. William Rehnquist was a key Department of Justice Official under then President – Nixon's Crime Commission, who directly implemented and enforced the Organized Crime Control Act of

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All of the averments against Judge Nevas, Judge Hall and Judge Eginton (Bridgeport Division)(and law clerks) are demonstrated documented acts including the statement at page 9 (12/15/04 letter)

"The following "allegations" and "factual contentions" has "evidentiary support" (Rule 11(b)(3)) that being, the constant obstruction of multi cases in the Bridgeport Division 3:97-CV-00942(JCH), 3:CV-2502 (18 U.D.C. 1964(c)) Claim II 3:97-CV02502(Due Process) 3:CV-0091(WWE) is being committed directly or indirectly by former U. S. Attorney Senior Judge Nevas District of Bridgeport."

1970 (RICO). Then D.O.J. official President Nixon's Crime Commission (Now Honorable William Rehnquist) was directly aware by involvement in Commissions" findings and facts of the Coia's Organized Crime Control of LIUNA and its pensions. This petitioner respectfully assumes that the Chief Justice of the United States by reason of HIS background experiences will take the corrupt use of a Congressional Act [Organized Crime Control Act 1970 (RICO) (and its sub. Set 18 U.S.C. 1961 Criminal Statute)] personal not only as a conspiracy to defraud the United States (18 U.S.C. 371) but as a conspiracy to defraud one of HIS and HIS Presidents greatest crime fighting legacy (RICO)

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Also a reality is the last clause of the 12/15/04 letter page 12 (quoted in italics and bold)

--allow an effective date (Oct. 15, 1970) Organized Crime Control Act RICO Enterprise (identified as such by two Presidents Crime Commission) to "criminally influence[d]" 18 U.S.C. 1962(c)(d) an entire division in Your Honors District".

As a final clarification, " A complaint" has been "receive[d]" 1/20/04 under any person standing of 18 U.S.C. 1964(c) and is properly filed 3:04-CV-0091(WWE). A pattern of a continuation of judicial obstruction continues. The latest schemes (shown in the 12/15/04 letter) include in 3:04-91(WWE) the intentional false application of DKT. #68 to DKT. #70 as a motion for reconsideration of DKT. #70 (a motion DKT. #68 filed before the motion it is reconsidering DKT. #70) that is not an error that act is reckless disregard for everything and everyone ("High Crimes" Criminal). The intention of that scheme (DKT. #80) committed in Judge Eginton's name was to stop the plaintiffs from an

"Opportunity to be Heard" Fed. R. Ev. 201(e) by fraudulently applying [DKT. #68] to [DKT. #70] and then fraudulently (judicial fraud) identify [DKT. #68] as moot in so doing making DKT. #68's Exhibit A (59 (e) Motion 3:97-CV-00942(JCH) against Judge Hall's August 31, 2004 Ruling moot), in order to obstruct an "Opportunity to be Heard" under 201(e) showing and demonstrating Judge Hall's continuation of corrupt acts of fraud and deceit in Judge Hall's August 31, 2004 Ruling. The direction of Canon 3(B)(3) is an imperative of Your Honor's position subject to the "reliable evidence" Your Honor has been made "aware of" after six (6) full years of flagrant, open abuses by Judicial Obstruction, fraud and deceit. It is time to correct the corruption. This is what the Rehquist/Beyer Panel was empanelled for. The facts and circumstances prove the Judicial Branch cannot police itself under 28 U.S.C. 455 and 28 U.S.C. 351. It is very sad and shameful that a conspiracy to defraud the United States has exposed the inadequate powers of 28 U.S.C. 455 and 28 U.S.C. 351.

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In ending, the petitioner respectfully requests Your Honor reassign 3:04-CV91 out of the Bridgeport Division. This matter has been taken away from two honest Judges, Hon. Janet Bond Atterton and Hon. Ellen Bree Burns. It would also be fair considering over (6) six years of Judicial fraud and obstruction that 3:04-CV91, 18 U.S.C. 1964(c) action be put on a criminal case time schedule because of its multiple 18 U.S.C. 1961(1) criminal statute violations. Your Honors quick response to this letter would be greatly appreciated subject to the filing of the "exceptional circumstances "under the justification standard of Sup. CT. R. 20.1. The present circumstances will be pleaded under Sup. CT. R. 14(i)(vi). Everyone who has taken an oath here should protect the lawful functions of the United States or they will be cited for not doing so.

Please see attached letter dated this same day December 27, 2004 to Chief United States Attorney Kevin O'Connor, Esq.

RESPECTFULLY SUBMITTED BY:

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GARY R. WALL, Rule 11/5th Amend. Petitioner

60 Carriage Hill Drive

Wethersfield, CT. 06109

860-529-2651

C: Hon. Chief Judge Hogan, District of Columbia

House Committee on Judiciary

U. S. House of Representatives

Hon. Ellen Bree Burns

House Committee on Labor

Rule 14(i)(vi)/20.1 Copy of letter dated December 27, 2004 to Chief United States Attorney District of Connecticut Kevin O'Connor, Esq. 157 Church Street, New Haven, CT. 06510 from Gary R. Wall Rule 11(b)(1)(3); 5th Amend. Petitioner 60 Carriage Hill Dr., Wethersfield, CT. 06109:

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December 27, 2004

CHIEF UNITED STATES ATTORNEY

DISTRICT OF CONNECTICUT

Kevin O'Connor, Esq.

157 Church Street

New Haven, CT. 06510

RE: F.R.C.P. 11(b)(1)(3) Statement Inquiry and Request re: Conspiracy to Defraud the Lawful Functions of the United States 18 U.S.C. 371

Dear Chief O'Connor:

Attached is a response letter from the Chambers of the Honorable Chief Judge of the District of Connecticut, Robert N. Chatigny. Said response letter dated December 16, 2004 is a response to a very serious letter that petitioner Wall sent to the Chief Judge on December 15, 2004. In order that you may have a quicker and clearer insight into this extremely serious and deeply corrupt

matter, I have attached both the letter and the Chief Judges response as attachments No. 1 and Attachment No. 2.

Please take the time now to read both Wall, Cooksey v. Local 230 224 Fed. 168(2d Cir. 2000) and Wall, Cooksey, Manos v. LIUNA/Luskin et al 3:04-CV-91(WWE)(EBB)(WWE) Bridgeport, Division, Wall, Cooksey v Local 230 3:97-CV00942(JCH) as of December 17, 2004 Appeal Noticed.

In the District of Connecticut operating Justice Department protected (Washington, D.C. O.C. Division/Chicago-Boston U.S. Attorneys Office) is an effective date RICO enterprise same governance structure identified by both President Richard Nixon's and President Ronald Reagan's Crime Commission. Two of the most accomplished crime fighting presidents in history. This conspiracy inter alia (18 U.S.C. 371) was and is caused by the most accomplished crime-pardoning president in History (Clinton).

This conspiracy to defraud (18 U.S.C. 371) allowed Coia and hierarchical associates in fact to escape their involvement in the

meaning of 18 U.S.C. 1962(a)(b)(c)(d) in the Colonial Realty Racketeering Embezzlement (29 U.S.C. 501(c)) scheme (what in reality it was) inter alia.

The following is an F.R.C.P. 11(b)(3) statement in accordance with F.R.C.P. 11(b)(1) "not being presented for any improper purpose".

A top echelon informant program that also originated in the Boston U.S. Attorney's Office is one of the causes of corruption at this level. There are two forms of the top echelon informant program. The first is where street crimes and gangland crime confidential informants (top echelon and down) are handled by the F.B.I. "Handlers". The second concerns white-collar crimes, which union officials criminal acts are considered. In the second form, the confidential informant handlers are U. S. Attorneys. In this enterprise racketeering matter in the District of Connecticut, a top echelon informant (Arthur A. Coia) "handlers" are top U. S. Attorneys including Inter alios the O.C. Divisions former Chief Paul Coffey and the Chicago and Boston U. S. Attorneys Office. When Mr. Coffey had your position, both Coia Sr. and Jr. were his

confidential informants (early 1970's). RICO defendant Lopreato was a confidential informant as a heroin dealer going back to when F. Mac Buckley was U. S. Attorney (late 1960's). RICO defendant Lopreato stills runs the Sub Rosa 1961(4) RICO Enterprise (Second Circuit's enterprise distinction prong). Both Coia Jr. and Sr. escaped a 1981 Florida/Connecticut indictment by D.O.J. fraud. The Security and Exchange Commission (early 1980's) referred to Arthur Coia Jr. as a top pension racketeer in the United States. The "Operating Agreement" (1995 Open Ended) protected Arthur A. Coia and some of his associates in fact from their hierarchal involvement in United States v. Dominick Lopreato, Ronald LeConche "AKA Ronald Welch" 97-CR00190(TFGD), a 5 million dollar enterprise racketeering pension fraud and embezzlement. The investigation of Federal Judge Alcee Hastings started from a Coia bribe, investigated by President Reagan's Crime Commission. The present Secretary of Labor (Rowland appointed) is a thirty year associate in fact of the OCCA Coia Enterprise appointed over thirty years ago by Coia Sr. Also, Mr. Cashman in or about 1995, before his appointment by Rowland, was protected from prosecution by the "Operating Agreement" for committing

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both the Hobbs Act violation (18 U.S.C. 1951) and a 29 U.S.C. 530 assault against an honest union business agent. The honest business agent asked questions concerning suspicious expenditures from the funds. In addition adding to the harm, the Justice Department has corruptly influenced the Judicial Branch by trying to undermine and obstruct (18 U.S.C. 1503) this petitioner and the co-plaintiffs Due Process Rights and Statutory Rights in the Federal Court System. This is a dangerous and unprecedented situation. The 212-page RICO Complaint against Coia had commission O. C. individuals as targets with Coia Jr. Pursuant to the "Operating Agreement" Coia Jr. has all of his criminal associates in fact (union and pension) operating RICO protected.

One of your associates (A.U.S.A. Lauren Nash) by reason of representation during the depositions of two Federal Agents taken by the petitioner, has some knowledge of filings in 3:97-CV-00942(JCH) (LMRDA Case). She was very polite attentive and professional at the depositions, I am sure she can give you some useful information concerning your decision here.

I realize and have been informed by D.O.J. officials who came to Connecticut from Washington, D. C. and Chicago (1995-1997), that the District of Connecticut does not have jurisdiction in this Organized Crime Control Act matter pursuant to the signed agreement with the Department of Justice "Operating Agreement". As stated in the OCCA/RICO Complaint and Standing Order, the "Operating Agreement" the thing it is in itself by its demonstrated actions and non-actions is a (major) conspiracy to defraud the United States (18 U.S.C. 371) – that caused severe proximate harm to the petitioner and plaintiffs and unknowingly to thousands of union members and their families in the District of Connecticut.

In support of the foregoing Rule 11(b)(1)(3) petitioner statements are the following authority and credibility quotes:

FIRST: Washington Monthly May 1996 by John Mullagan and Dean Starkman

"But the odd case of Arthur Coia illustrates a less sanguine picture of unions in 1996: ***one of lingering corruption, mob ties,***

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and political influence a volatile mix. *On November 4, 1994, Coia was served with a* ***212-page draft racketeering complaint*** *from the Justice Department's Organized Crime and Racketeering Section. The document* ***accused Coia of extortion, pilfering union funds, and ruthlessly crushing dissidents*** *in his union. Charging that the Laborers' International was under the mob's thumb the Justice Department served notice of its intent to take over and throw Coia out."*

"But then something strange happened. The racketeering complaint was never filed. Instead, Coia hired Brendan V. Sullivan, Jr. – Oliver North's Iran-Contra Lawyer – plus a veteran of the Organized Crime Section to fend off prosecutors. Negotiations lasted three months and involved the Criminal Division Chief at Justice. The settlement when it came was an enormous victory for Coia. Not only did he keep his position atop the union, ***he also beat back reforms that would have brought real democracy to the laborers and handed power to the rank and file".***

"Coia's story is one of great failure of law enforcement *set in a rarified atmosphere of multi-million dollar campaign contributions*

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and White House dinners. Federal law enforcement officials involved in the case who wanted Coia removed but were overruled, grumble about a link between the toothless settlement and Coia's political friendship with the President."

SECOND: Excerpt President Reagan's Crime Commission:

See at page 69 of Standing Order citing Section Six of the Crime Commission Report.

The Laborers International Union of North America (LIUNA) is referred to as "A Case Waiting to be Made" at pages 161 and 162 of President Reagan's Crime Commission – both Coia Sr. and Coia Jr. are targets.

At Page 160 is a heading quote:

"A Weak Government Response"

"The government has done little to end organized crime's hold over LIUNA"

At Page 162 important reference is given by the commission to the "leadership or governance structure" under the heading of "The Waiting Case".

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Quote: "The Waiting Case" "The commission believes there is little chance that LIUNA membership will be able to eliminate organized crime's influence or control their union, if the current leadership or governance structure remains intact".

"Governance Structure Remains Intact" and RICO Protected

THIRD: House Sub Committee On Crime – "Conclusions" at page 35 of Subcommittee Report dated January 2, 1997:

"There are those who are quick to dismiss the Subcommittee's review of the administration's conduct in the LIUNA matter as election-year politics and pay back for the Washington union boss campaign against Republicans in Congress. Such views may be politically convenient, but they ignore a central truth: The impartial administration of justice is ill – served when targets of investigations by the executive branch regularly and publicly associate with most senior officials within the same branch of government.

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Why is it that Justice Department career officials were concerned about White House associations with Coia? The answer is obvious. They were deeply troubled by the appearance of such associations ***because of their effect on public confidence in the impartial administration of justice.*** *The considerable experience of these officials had taught them that a storm of controversy could erupt if federal law enforcement was perceived to be serving political interest, and indeed, that is exactly what happened. After D.O.J. and LIUNA reached a settlement in this case, suspicious soon emerged that Mr. Coia's extraordinary political connections had paid off. These suspicious cast a* shadow of impropriety over had-working public servants at D.O.J. – the very result these prosecutors had tried to avoid with their warnings to the White House."

FOURTH: Kefauver Commission Warning Dated 1951:

Now see: "Third Interim Report of Special Committee to investigate Organized Crime in Interstate Commerce" Senate Report No. 307 82nd Congress, 1st Session (1951), P. 3 "The

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Kefauver Crime Investigating Committee warned Americans not to rely upon the central government to control organized crime but to use their grand juries to attack the problem in their own communities"

FIFTH: U. S. Attorney Manual RICO guideline "9-110.30 Approval of Organized Crime and Racketeering Section Necessary"

"—No criminal or civil prosecution or civil investigation demand shall be commenced or issued under RICO statute without prior approval of the Organized Crime and Racketeering Section Criminal Divisions"

SIXTH: Primary Obstruction of Justice/Conspiracy to Defraud the United States Clause and Sentence:

*"or **law enforcement organization** may refer a complaint against a union official or member by filing it with the G.E.B. attorney.*

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The G.E.B. attorney will investigate it and decide whether charges should be brought."

Both No. 5 and 6 are double jeopardy protections by the co/author of RICO guidelines (RICO defendant Luskin). Using his credibility, knowledge and political and criminal connections to defraud the United States (18 U.S.C. 371) by and through the corrupt use of a Congressional Act Organized Crime Control Act 1970 (RICO) and the corrupt use of its Title 18 and Title 29, 18 U.S.C. 1961 Subset Criminal Statutes.

Jurisdiction is not an issue at this point in time. This is what Kefauver warned about. This is an issue that must be attacked in its own "community" before it inevitably does more serious criminal damage. There is either one of two answers that a Grand Jury can reach in a matter of days. **One**, is petitioner Wall in violation of RICO predicate 18 U.S.C. 1961/18 U.S.C. 1510 (interference with a government investigation) or **Two**, is there an "Open Ended" conspiracy to defraud the United States committed

and protected by former and present D.O.J. officials some known and some unknown. And, therefore, petitioner Wall and the District of Connecticut plaintiffs are protecting themselves under their statutory right as "any person" under 18 U.S.C. 1964(c) against proximate harm by "Enterprise Racketeering Injuries".

The second answer will be obvious. The obligation to act pursuant to the power of a community Grand Jury will be foremost on their minds after a demonstration of Judicial and Executive Branch protections of an OCCA/RICO enterprise are exposed. The Grand Jury will have deep concerns about their District of Connecticut "Communities" susceptibility to massive direct and indirect harm in the protection of an OCCA/RICO Enterprise, which is what the Federal Judges and D.O.J. officials involved in this matter should have put first.

The "Operating Agreement" protection is not the protection of one crime. The RICO Enterprise by its nature does not stop its violations of 18 U.S.C. 1962/1961 because it is policing itself. The enterprise racketeering injuries continue to this day in violation of

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18 U.S.C. 1961(5). As this letter is being written, Coia's OCCA/RICO Enterprise in the District of Connecticut is extorting contractors 18 U.S.C. 1951 and embezzling membership money 29 U.S.C. 501(c). As stated prior this is not about jurisdiction, subject to a signed agreement with the D.O.J. and LIUNA, the Grand Jury should investigate the "Operating Agreement" itself to see if jurisdiction was criminally taken away from the District of Connecticut by violations of 18 U.S.C. 1962(b)(c)(d). This is a matter for a Federal Community Grand Jury to be made aware of, and your office has an obligation to present this letter with its attached December 15, 2004 letter addressed to Chief Judge Chatigny along with the RICO Complaint and Standing Order 3:04-CV91(WWE) to the Grand Jury.

A RICO Enterprise whose Governance Structure dates back to the effective date of RICO (October 15, 1970) can not be allowed to make multi million dollar bribes to criminally "Influence" politicians, who will then knowingly appoint Federal Judges who will protect the criminal behavior (Bridgeport Division) because of the multi million dollar bribes to the politicians and or their party

(membership money of a "captive labor organization") used to bribe, corrupt, and create a conspiracy to defraud the lawful functions of the United States in this matter both the Executive Branch and the Judicial Branch.

Extremely serious Federal crimes have been committed against the co/plaintiffs in 3:04-CV-91(WWE). Extremely serious federal crimes and federal allegations have been committed against this petitioner. Subject to the authority re: Bankers Trust v. Rhoades 859 Fed. Rep. 2d (2d Cir.) 1096 Id. 1104 referencing RICO and the Clayton Act.

> ***"That both statutes bring to bear the pressure of 'private attorneys general' on a serious national problem for which public prosecutorial resources are deemed inadequate".***

And, subject to the indisputable demonstration of Bridgeport Division Federal Judges criminal (Article II Sec. 4/18 U.S.C. 1503) obstruction of the pleadings by fraud and deceit. The plaintiffs and this petitioner have a Constitutional Right to Federal

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Grand Jury subject to the authority re: [Red Flag] Bivens v. Six Unknown Agents 403 U.S. 388

> ***"In such cases there is no safety for the citizen except in the protection of the Judicial Tribunals for rights which have been invaded by officers of the government professing to act in its name"***

In this Organized Crime Control Act matter, the protection of the petitioner and plaintiffs 5th Amendment Rights have by "officers of the government professing to act in its name" have corrupted the "Judicial Tribunals" see Boyd v. United States 116 U. S. 616,663

> ***"The fourth and fifth amendments are in pari material and must be read and construed together"***

The only "safety for the citizen" in this matter subject to the criminal 18 U.S.C. 371/18 U.S.C. 1503 corrupt use of a Congressional Act Organized Crime Control Act (1970) is the "safety for the citizen" to the "People's Panel" (Federal Grand

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Jury) in the meaning of Marbury v. Madison 1 Cranch 137, 163(1803)

> ***"The very essence of civil liberty certainly consists in the right of every individual to claim the protection of the laws, whenever he receives an injury"***

The civil liberty abuse in this (OCCA) matter is unprecedented the "claim" of "protection of the laws" has been obstructed 18 U.S.C. 1503 by confidential informants policing themselves pursuant to a signed agreement to do so with the Department of Justice. In addition and most importantly, magnifying the unprecedented civil liberty harm is the indisputable and demonstrated fact that the "Judicial Tribunals" have been contaminated by the 18 U.S.C. 371(conspiracy to defraud the United States). The three citizens civil liberty rights have been obstructed by acts of fraud and deceit by Federal Judges.

Therefore, for the foregoing reasons citizen petitioner Wall requests access to the foreman of the Grand Jury in order to "claim

protection of the laws" in the meaning of Bankers Trust Supra, Bivens Supra, and Boyd Supra; And, under the constitutional authority and 5th Amendment Right in the meaning of Marbury Supra. The corrupt use of a Congressional Act did deep and wide damage to the lawful functions of the United States. The only protection is a citizens right to the "Peoples Panel".

There is one F.R.C.P. 11(b)(3) inquiry request. That being, who was the A.U.S.A. who told Judge Daley in U.S. v. Lopreato, LeConche AKA Welch 3:97CR00190(TFGD) that defendant LeConche did not understand what he was doing. He just thought he was delivering money from Siti and Google to Lopreato. Every U. S. Attorney knew that Ronald LeConche AKA Welch has been a criminal confidential informant for over thirty (30) years. Intentionally kept from Hon. Judge Daley was the fact that about one or two years prior to U. S. v. Lopreato, LeConche, Ronald LeConche and five other individuals were ordered to pay back 680 thousand they fraudulently extracted from the Teamsters Union.

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In depositions taken in 2000 and 2001 in 3:97-CV-00942(JCH) testimony was given that criminal confidential informant LeConche was selling foreman or stewards jobs for the purchase of a $15,000 unit in Colonial Realty. Whoever the A.U.S.A. is who committed that obstruction and perjury to the Court, he is lucky Judge Daley passed away. There are Federal Judges who do not tolerate any contemptuous or dishonorable actions by U. S. Attorneys regarding their cases. Judge Daley was one of THEM. The petitioner in this matter respectfully requests the name of the A.U.S.A. pursuant to the direction of F.R.C.P. 11(b)(3) for a Due Process Claim. Said perjury to Hon. Judge Daley was committed in order to hide an Enterprise, which C.C.I. LeConche was a 30 year associate in fact of. The perjury to Judge Daley was for the purpose of giving the impression that Lopreato acted alone; In so doing saving Coia and his entire 18 U.S.C. 1961(4) OCCA RICO Enterprise from their hierarchal criminal exposure in the (8 million) 5 million in the Connecticut Enterprise Racketeering Pension Injury.

Please respond as soon as possible. These "exceptional circumstances" will be pleaded under the justification standard of Sup. CT. R. 20.1 and Sup. CT. R. 14(i)(vi). Subject to the six (6) full years of unprecedented civil liberty abuse, access to the foreman of a Federal Grand Jury is a Marbury v. Madison Civil Right and an obligation to your position to protect the United States from a conspiracy to defraud its lawful functions and its Rule of law.

RESPECTFULLY SUBMITTED BY:

GARY R. WALL, Rule 11(b)(1)(3) 5th Amend. Petitioner
60 Carriage Hill Drive
Wethersfield, CT. 06109
860-529-2651

Rule 14(i)(vi)/20.1 Copy of letter dated January 27, 2005 to United States Court of Appeals Second Circuit Chief Judge Second Circuit John M. Walker, Jr. 157 Church Street, New Haven, CT.

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06510 from Gary R. Wall Rule 11/5th Amendment petitioner 60 Carriage Hill Drive, Wethersfield, CT. 06109:

January 27, 2005

Chief Judge John M. Walker, Jr.

UNITED STATES COURT OF APPEALS

SECOND CIRCUIT

157 Church Street

New Haven, CT. 06510

RE: Circuit Panel for Appeal for 3:97-CV-00942(JCH) Bridgeport Division

Dear Honorable Chief Judge Walker:

Enclosed for Your Honor's review are four (4) letters. The first dated December 15, 2004 to Hon. Chief Judge Chatigny (Dist. Conn.) from Gary R. Wall; Second dated December 16, 2004 to Gary R. Wall from Hon. Chief Chatigny; third dated December 27, 2004 to Hon. Chief Chatigny from Gary R. Wall; fourth, also dated

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December 27, 2004 to Chief U. S. Attorney Kevin O'Connor, Esq.

From Gary R. Wall.

After reading the letters, it becomes clear and evident that the petitioner and the plaintiffs have been severely harmed for six full years plus by Extra Judicial Acts of Obstruction and fraud in the district of Connecticut and in the Second Circuit. You would think someone would be embarrassed by now. All of the documented and illustrated harm committed against the petitioner and the plaintiffs is being committed using the false appearance of Federal Judges integrity, against the take for granted ignorance in the meaning of knowledge of pro se litigates. The best example is Circuit Judge Straub's intentional and fraudulent opinion statement in 00-9004, that being, that the pro se's filed a motion for a new trial and its time computation motion at a 12(b)(6) Level. It is not what kind of a Federal Judge would do that – what kind of man would do that. The same man who in collusion with the Bridgeport Division concealed the Judicially treacherous act involving the intentional fraudulent post dating of a Civil Rights Act Complaint Action In Equity.

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Ever since Judge Nevas transferred 3:97-CV-00942(JCH) to the Bridgeport Division (October 23, 1997) documented and illustrated Extra Judicial Acts of Obstruction occurred. As time went on more flagrant and obvious, to the point of Judge Hall's latest Extra Judicial Act of Obstruction i.e. her August 31, 2004 Ruling, which was a reckless, obvious and hostile Judicial Act of Obstruction of Justice.

An 11(b)(3) investigation by this petitioner has exposed an entire division criminally influenced by a politically and criminally powerful OCCA/RICO Enterprise. At fault inter alios is former U. S. Attorney Judge Nevas influencing and using the Bridgeport division to commit Extra Judicial Acts of prosecutorial minded obstructions of the truth, statutes, and Constitutional Rights of the petitioner and plaintiffs, doing so in order to protect his former D.O.J. colleagues from their involvement in a politically corrupt buy out of a 212-page OCCA RICO Complaint (F.R.C.P. 11(b)(3) Statement). Judge Hall and Judge Eginton do not have the power or influence on their own, to commit the magnitude of multiple,

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obvious, flagrant Judicial Acts of Obstruction of the fundamental principles of the Justice System of the United States, that occurred by fact and illustration in the Bridgeport Division. Adding to the concern is the Second Circuits questionable integrity by reason of prior conduct. In addition to the fraudulent panel briefings (00-9004; 03-3117; 03-6091), is the fact that Your Honor's Circuit Executive refused to give the names of the Judges on the Judicial Council who found in favor (after a year) of Judge Hall and Judge Straub. Text June 29, 2004 letter to Gary R. Wall from Karen G. Milton Circuit Executive Second Circuit:

"Re: Complaints against Judges 03-8534 and 03-8535"

"I am writing in response to your letter of June 21, 2004. I understand that you are requesting the names and signatures of the Judicial Council members who ruled on the petition for review in the above referenced matters. Please be advised that the Judicial Council of the Second Circuit Governing Complaints against Judicial Officers

under 28 U.S.C. 351 Chapter 111, Rule 8 has no provision to identify these members of the Judicial Council".

It is true there is no provision concerning the identity of the Judicial Council members reviewing violations of 28 U.S.C. 351. There is also no provision keeping it a secret. Any one would reason that any Judicial Council Judge on the Second Circuit would be honored to protect the integrity of a Circuit Judge and a district Judge from the severe averments of fraudulent Extra Judicial Acts of Obstruction illustrated and documented under penalty of perjury in the 28 U.S.C. 351 Complaint.

Rule 11(b)(3) evidence supports and logic creates concerns that no Judge on the Judicial Council saw the documented and illustrated Article II Sec 4 crimes committed by Judge Hall and Judge Straub, bringing this letter to its major premise (explanation). The petitioner understands that 28 U.S.C. 351 is not appealable federal statute to the Supreme Court. The petitioners citing of the 28 U.S.C. 351 are for a referral to the Ethics Controversies Panel (referral), only and as a protection in the selection process of the

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Circuit Panel (no case number yet) for district case 3:97-CV-00942(JCH).

Quoting Writ of Mandamus under Sup. CT. R 14(h)

> "The petitioner and the plaintiffs respectfully request the Ethics Controversies Panel by reason of the Exceptional Corruption Category circumstances, apply oversight to the selection process of the Circuit Panel that will hear the appeal in the Second Circuit, on the unlawful discipline claims, extra judicially obstructed by Judge Hall, not for any reason for any determination on the merits, but for the honesty of the makeup of assignment of the circuit panel"

Your Honor will be served with a copy of the mandamus when filed (matter of days) as a nominal respondent under Sup. CT. R. 29.5(c) and in compliance with 28 U.S.C. 1746(2). Please expedite this multiple judicial fraud case coming back to the Second Circuit off Wall, Cooksey v. Local 230 et al 224 F3d

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168(2d Cir. 2000). The conclusion cited as the last sentence in the mandamus is an explanation in fact.

> "It is very sad and shameful that a conspiracy to defraud the United States has exposed the inadequate power of 28 U.S.C. 455 and 28 U.S.C. 351"

The petitioner and the plaintiffs have followed the rules and have been polite and courteous to everyone involved, as are basic fundamental rights have been severely abused by the D.O.J./D.N.C. Judicial network of corruption, the reason for the directness of this letter.

Respectfully Submitted:

By: _____

GARY R. WALL, Rule 11 Petitioner

60 Carriage Hill Drive

Wethersfield, CT. 06109

860-529-2651

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c: Hon. Robert N. Chatigny

Chief U. S. Attorney Kevin O'Connor

Hon. Chief Judge Hogan, District of Columbia – 02-MS-354(DAR)

U. S. House of Representatives

Hon. Ellen Bree Burns

House Committee on Labor